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FACT SHEET

CITY'S EMPLOYEE ETHICS SURVEY REVEALS NEED FOR GREATER EDUCATION AND IMPROVED REPORTING PROCESS

MAYOR REAFFIRMS COMMITMENT TO CHANGING ETHICAL CULTURE AND GREATER ACCOUNTABILITY FOR CITY'S TOP MANAGERS

RESPONSE RATE MAKES SURVEY A RELIABLE FOUNDATION FOR FUTURE ACTION

Mayor Jerry Sanders has announced the results of the first-ever comprehensive ethics survey taken by City employees earlier this fall.

The survey results show that most City employees remain unsure about the City's ethical standards and about the process for reporting lapses and violations of the City's ethics policies and procedures. They also reveal that employees believe that the City's top managers are not held to the same ethical standard as other City workers and that employees are reluctant to report violations of ethics or misconduct for fear of retribution.

The survey, administered as part of the ongoing ethics audit being conducted by the mayor's Office of Ethics and Integrity (OEI), was conducted by the Ethics Resource Center (ERC) in Washington, DC.

More than 30% of City employees provided responses through the survey process, making the overall results a reliable indication of issues and concerns among City employees.

The results will be used by the Mayor and OEI to plan the education and training programs necessary to improve employee awareness and practice of higher ethical standards.

MAJOR FINDINGS SHOW CITY FALLS BELOW NATIONAL STANDARDS OF ETHICAL CONDUCT

Results from the City Employee Ethics Survey were compared with baseline data acquired by ERC during a National Business Ethics Survey (NBES) it conducted over the past few years.

- Forty-one percent of City employees reported that had observed ethical misconduct at work while only 26% of NBES respondents said the same for their workplace.
- Fifty-two percent of City employees responded that they were “dissatisfied” or “very dissatisfied” with the City’s response to their report of misconduct. Only 44% of NBES respondents gave the same answer.
- Only 21% of those responding to the City survey said that they were “satisfied” or “very satisfied” with the City’s response to their report of misconduct compared to 44% of respondents to the NBES.
- Fifty-nine percent of City employees taking the survey believe they face situations at work that could lead to violations of the City’s ethics policies. Thirty-four percent of NBES respondents said the same about their own workplace.
- Eighty-eight percent “agree” or “strongly agree” that they are confident in their ability to recognize ethical issues that may affect their work. However, 40% say they are not fully prepared to address these issues through the City’s existing reporting processes.
- Thirty-one percent said they had “never” or “only rarely” sought guidance from the City’s ethical policies and procedures or from another resource or person within the City when facing an uncertain ethical situation. Forty-three percent said they had never referred to the ethical policies and procedures when deciding what to do about an incident of misconduct. Eighty-five percent never sought help from the City’s Office of Ethics and Integrity.

“The results of this survey confirm what I have feared about the City’s ethical climate and show the need for recommitting to our comprehensive effort to address questions of ethics from top to bottom in the City. As unfortunate as these results are, we now have the baseline data we need to let our Office of Ethics and Integrity move forward with its targeted training effort and its work to reform the ethical culture at the City.”

Mayor Jerry Sanders

MAYOR SETS NEXT STEPS TO ADDRESS CONCERNs ABOUT CITY ETHICS

At the Mayor’s direction, the Office of Ethics and Integrity will undertake a series of corrective actions aimed at addressing the negative issues identified in the Employee Ethics Survey.

The Mayor has directed OEI to accelerate and refocus training efforts for City managers. Beginning in January, top and mid-level managers at the City will be given specific training on how to **encourage and promote communication about ethics issues** with City employees.

That training will address protections for whistleblowers in the City system and will be used to inform managers about the Mayor’s **specific and unwavering commitment to improving the ethical culture** at the City of San Diego.

The Mayor has also directed OEI to provide top managers with training about **ethical decision making and problem solving**. The Mayor intends to use these training efforts to make the City's top managers completely ready to assist any employee interested in reporting ethical violations or misconduct of any kind.

Mayor Sanders will also include ethical behavior and promoting communication about ethics issues as key measurements in the renewed performance evaluation process for top City managers.

In beginning its **comprehensive ethics training program with top City managers**, OEI will be addressing the concerns expressed by City workers in their responses to the Ethics Survey.

OEI began its ethics training program with two **Executive Leadership Ethics Roundtable sessions**, facilitated by experts from the Markkula Center of Government Ethics. These sessions provided up-to-date information and education for the Mayor, Chief Operating Officer, Assistant COOs, Deputy Chiefs, Fire-Rescue Chief, Police Chief, and the City's Personnel Director.

All employees, including top management, will participate in **compliance training**, scheduled to begin in April 2007. This training will specifically address ethics-related rules on topics ranging from sexual harassment; discrimination; favoritism/nepotism, gifts and favors; e-mail and internet usage; and additional whistleblower protections.

EDUCATION EFFORTS WILL INCLUDE ENTIRE CITY WORKFORCE

OEI will extend ethics **training to front-line employees** in early 2007, pending completion of the meet and confer process with the City's labor unions. In addition to compliance training, employees will also receive scenario-based training with a focus on ethical problem solving and decision-making in the workplace.

OEI will partner with the City's Human Resources/Personnel Department to adjust the City performance evaluation process so that it conforms with the Federal Sentencing Guidelines for Organizations, which calls for including ethics criterion in employee performance evaluations.

In March 2007, OEI will distribute an employee **Code of Conduct Handbook**, a compilation of all City-wide ethics-related rules, regulations, policies and procedures, as well select applicable state laws. The handbook will contain the actual policies as well as easy-to-understand commentary that explain the various rules. Each employee will receive a copy of the handbook. It will also be posted on the City's intranet for easy reference.

By spring 2007, OEI will implement a **Contractor's Code of Conduct** to outline the City's expectations regarding ethical business conduct for dealing with vendor serving the City.

Pending the meet and confer process with the City's employee unions, OEI will implement a **Pledge of Ethical Principles and Core Values for classified employees** similar to the one currently required for unclassified employees.

ABOUT THE ETHICS CULTURE SURVEY

- The Ethics Culture Survey was open from September 5 to September 29, 2006.
- More than 3,400 employees responded to the survey, for an overall response rate of 31%.
- All City employees in departments under the direction of the Mayor were invited to take the voluntary and anonymous survey. Most employees in independent departments (City Council, City Clerk, and Retirement Board) were also invited to take the survey.
- The Ethics Culture Survey sought to understand:
 - What employees think about the City's ethical culture/climate;
 - What ethics issues are important to employees;
 - How comfortable employees feel about their understanding of ethics policies, procedures and regulations;
 - Level of observation of misconduct (if any); and
 - To what extent employees feel supported when/if they bring up ethical concerns.

CITYWIDE ETHICS COMPLIANCE EFFORTS

There are currently three independent efforts related to ethical conduct in the City workplace.

The Mayor's Office of Ethics and Integrity is involved in promoting and enforcing all administrative regulations, Personnel Department regulations, Council Policies and state laws affecting ethical conduct in the City workplace.

OEI affects all employees in Mayoral Departments including the Classified and Unclassified staff serving the City. It provides training and education regarding ethical conduct for City employees and provides information regarding the City's Code of Ethics, Conflict of Interest and Employee Conduct expectations and requirements. OEI also maintains the Employee Ethics Hotline and reporting process.

The City's Ethics Commission has the responsibility of monitoring, administering and enforcing the City's governmental ethics laws, proposing governmental ethics law reforms, conducting audits and investigations, referring violations to appropriate law enforcement agencies, and advising and educating City officials and the public about governmental ethics laws. The Commission also has jurisdiction over the Municipal Lobbying Ordinance.

The Ethics Commission has no jurisdiction over classified City employees nor do the provisions of the Ethics Ordinance regulate the activities of classified City employees.

The Public Integrity Unit of the City Attorney's office focuses on the investigation and prosecution of complex cases involving; (1) fraud such as the misuse or misappropriation of public funds, false claims, and procurement fraud and; (2) official misconduct by elected and appointed officials, including intentional violations of the Political Reform Act and Government Code, conflicts of interest, the Brown Act, and incompatible activities.